

## REMARKS/ARGUMENTS

1. The Examiner rejected claims 32-35 and 54 as being anticipated by U.S. Patent No. 5,827,620 (Kendall). The Examiner argues that Kendall, at column 5, lines 21-26, describes a tubular anode capable of supporting the fuel cell, as claimed in claim 32. It seems clear, however, that Kendall instead describes a tubular electrolyte that supports the fuel cell. Specifically, at column 5, lines 21-25, Kendall indicates that “the illustrated arrangement comprises **an extruded electrolyte tube 1 supporting an inner electrode 2** in the form of a nickel/zirconia cermet ink defining an anode” (emphasis added). Thus, Kendall describes a tubular electrolyte capable of supporting the fuel cell as opposed to a tubular anode capable of supporting the fuel cell, as required by claim 32. The subject patent application discusses some disadvantages of electrolyte-supported fuel cells and how anode-supported fuel cells of the type claimed overcome those disadvantages (see, for example, page 7, line 2 through page 9, line 17). Because Kendall fails to teach the limitation of a tubular anode capable of supporting the fuel cell, Kendall does not anticipate claim 32 or any of its dependent claims.

2. The Examiner rejected claims 1-13, 16, 18, 27, 29-31, 87, and 91 as being anticipated by, or, in the alternative, obvious over Kendall. As discussed above, Kendall does not teach or otherwise suggest a tubular anode capable of supporting the fuel cell. In order for a claim to be obvious, all limitations of the claim must be taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Therefore, these claims cannot be considered obvious over Kendall.


3. The Examiner rejected claims 32, 38, 39, and 54 as being obvious over Kendall in view of U.S. Patent No. 5,916,700 (Ruka 700). As discussed above, Kendall does not teach or otherwise suggest a tubular anode capable of

supporting the fuel cell. Ruka 700 teaches a cathode-supported fuel cell; Ruka 700 does not teach or otherwise suggest a tubular anode capable of supporting the fuel cell. In order for a claim to be obvious, all limitations of the claim must be taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Therefore, these claims cannot be considered obvious over Kendall in view of Ruka 700.

4. The Examiner rejected claims 32, 40-43, 48-52, and 54 as being obvious over Kendall in view of U.S. Patent No. 5,908,713 (Ruka 713). As discussed above, Kendall does not teach or otherwise suggest a tubular anode capable of supporting the fuel cell. Ruka 713 teaches a cathode-supported fuel cell; Ruka 713 does not teach or otherwise suggest a tubular anode capable of supporting the fuel cell. In order for a claim to be obvious, all limitations of the claim must be taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Therefore, these claims cannot be considered obvious over Kendall in view of Ruka 713.

5. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,



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